

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRADLEY CARROLL, et al.,

Plaintiffs,

v.

CITY OF DETROIT,

Defendant.

Case No.: 04-CV-74984-DT
Hon. John Corbett O'Meara
Mag. Judge Wallace Capel, Jr.

**ORDER GRANTING
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT
REGARDING PROXIMATE
CAUSE AND RELATED ISSUES,
AFFIRMING AND ADOPTING
MAGISTRATE JUDGE CAPEL'S
JUNE 7, 2006 ORDER AND
DENYING DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT**

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This matter having come before the Court on the plaintiffs' motion for summary judgment regarding proximate cause and related issues (Dkt. No. 79, dated May 31, 2006), the defendant's objections to Magistrate Judge Capel's June 7, 2006 order denying leave to amend affirmative defenses (Dkt. No. 90 dated June 26, 2006) and the defendant's motion for summary judgment (Dkt. No. 87 dated June 13, 2006), the parties having briefed the issues, the Court having heard oral argument on July 13, 2006, and considered the matter, the Court being otherwise sufficiently advised in the premises, and for the reasons stated on the record,

IT IS HEREBY ORDERED:

1. Plaintiffs' motion for summary judgment regarding proximate cause and related issues is **granted**.

2. The lost value of entertainment tickets confiscated from any representative plaintiff or Class Member at the time that the City enforced the Ordinance against him/her was proximately caused by the City's deprivation of his/her constitutional rights. Each representative plaintiff and Class Member suffering such damages is entitled to judgment against the City in the amount of the face value of the entertainment tickets confiscated from him/her by the City.

3. Costs paid by any representative plaintiff or Class Member in criminal proceedings arising from the City's enforcement of the Ordinance in which no judgment of conviction for violating the Ordinance ever entered were proximately caused by the City's deprivation of his/her constitutional rights. Each representative plaintiff and Class Member suffering such damages is entitled to judgment against the City in the amount of the costs he/she paid.

4. Expenses reasonably incurred by any representative plaintiff or Class Member in the defense of the criminal proceedings arising from the City's enforcement of the Ordinance, including travel expenses, lost wages and/or attorney fees, were proximately caused by the City's deprivation of his/her constitutional rights. Each representative plaintiff and Class Member suffering such damages is entitled to judgment against the City in the amount of the expenses he/she incurred.

5. Plaintiffs are entitled to request a jury award, on a class-wide basis, for injuries suffered by each representative plaintiff and Class Member at the time of arrest, including the detention of each representative plaintiff and Class Member. The plaintiffs may request a single

jury award (i.e., an amount of money meant to compensate one individual Class Member) to which amount, if awarded by the jury, each representative plaintiff and Class Member will be entitled as a judgment against the City.

6. This order does not prejudice the right(s) of any representative plaintiff or Class Member to seek additional damages identified in the parties' June 12, 2006 Joint Final Pretrial Order submission.

IT IS FURTHER ORDERED,

1. Defendant's objections to Magistrate Judge Capel's June 7, 2006 Order denying leave to amend affirmative defenses are **overruled**, and the Court **affirms** the magistrate judge's order.

2. In light of the Court's ruling on the defendant's objections to the magistrate judge's order, and for the additional reasons stated on the record, defendant's motion for summary judgment is **denied**.

IT IS SO ORDERED.

Dated: July 19, 2006

s/John Corbett O'Meara
U.S. District Judge

SUBMITTED BY:
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